

# POST ACCUSATION AVERAGE TIME FRAMES

Cases Opened Between January 1, 2009, and December 31, 2011

## Setting Cases for Administrative Hearing 210 Days

### Factors

- Availability of Respondent's Counsel
- Availability of Calendar Days at the Office of Administrative Hearings
- Availability of Expert Witnesses
- Amendments to Pleadings by MBC
- Lack of Uniformity by the Office of Administrative Hearings in Setting Cases for Hearing
- Availability of DAGs

## Post Hearing Administrative Procedures 160 Days

### Factors

- Administrative Law Judge has 30 Days to Prepare Proposed Decision After the Case is Submitted
- MBC has 100 Days to Issue Decision from the Date Case Submitted
- MBC Decision Becomes Final 30 days After Issued
- Reconsideration Procedures

## Writs of Mandate 268 Days

### Factors

- Respondent/Petitioner is the Moving Party and Selects Venue
- Transcript Preparation by the Office of Administrative Hearings
- Setting Case for Hearing in Superior Court
- Remand to the MBC for Further Proceedings
- Business and Professions Code Requires Hearing to be Set within 180 Days Absent Good Cause
- California Judicial Council Rules of Court Require Two Years Before MBC Can File a Motion to Dismiss for Petitioner's Failure to Bring Case to Hearing

## **RECOMMENDATIONS**

- **Request that the Office of Administrative Hearings Initiate the Hearings in Medical Board Cases Within 180 Days of Receiving the "Request to Set"**
- **Request that the Office of Administrative Hearings Adopt a Uniform Statewide Procedure for Setting Hearings in Medical Board Cases**
- **Adopt the State Bar Disciplinary Model and Create an In-House Panel of Administrative Law Judges**
- **Request that the Judicial Council Modify its Rules and Reduce to One Year the Waiting Period to File a Motion to Dismiss for Failure to Prosecute a Case**